
ENVIRONMENTAL Fact Sheet



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The N.H. Groundwater Protection Act: RSA 485-C An Overview

Sixty percent of New Hampshire's residents are dependent on groundwater for their drinking water supplies. The greatest threat to groundwater is contamination from mismanaged activities on the land surface. New Hampshire's Groundwater Protection Act, passed by the state legislature in 1991, is enabling legislation for local entities (i.e. water suppliers, town boards) that choose to play a role in actively managing these threats to protect valuable groundwater. Under the Act, wellhead protection areas or other valuable groundwater may be reclassified to Classes GAA or GA1 (see below) if potential contamination sources (PCSs) are to be actively managed via periodic local inspections to ensure compliance with best management practices. The BMPs, codified in Env-Wq 401 (formerly Env-Ws 421), are the minimum required management practices to be employed when performing activities that require the use of regulated substances. Reclassification provides a local entity with the statutory authority to implement a protection program.

The Act establishes four classes of groundwater: GAA, GA1, GA2, and GB. A description of the classes and how they serve to protect groundwater is summarized in the following chart.

CLASSES OF GROUNDWATER

Class	Local Inspection Of PCSs	Description/Comments
GAA	Yes	<ul style="list-style-type: none">• Most protected class• Includes groundwater flowing to public water supply wells (wellhead protection areas).• Prohibits six high risk land uses
GA1	Yes	<ul style="list-style-type: none">• Local entities identify valuable groundwater resources they want to protect via management of potential contamination sources.
GA2	No	<ul style="list-style-type: none">• Includes high-yield stratified drift aquifers mapped by the USGS that are potentially valuable sources of drinking water.
GB	No	<ul style="list-style-type: none">• Includes all groundwater not in a higher classification. As in all classes, groundwater must meet drinking water quality standards.

How Groundwater Reclassification Works

Initially all groundwater in New Hampshire was classified GB or GA2 under the Act. To obtain a GAA or GA1 classification, the local entity or the state must:

1. Identify the area to be reclassified.
2. Inventory activities that could threaten groundwater within the area(s) to be reclassified. (A list of the potential contamination sources to be included in the inventory is found in RSA 485-C:7.)
3. Formulate a management plan that includes:
 - a. Notification to potential contamination sources;
 - b. Performance of periodic inspections to ensure compliance with best management practices.
4. Submit an application for reclassification to DES. DES will notify all landowners of the reclassification request and hold a public hearing to solicit comments.
5. Maintain the management program. If active management is not occurring, DES may downgrade a GAA or GA1 classification to GB or GA2.

Reclassification of Wellhead Protection Areas to GAA Results In ...

- Active management of potential contamination sources to ensure compliance with best management practices as described in Env-Wq 401.
- Prohibition of a few new uses that pose a high pollution risk to groundwater, i.e., landfills, hazardous waste disposal facilities, etc.
- Release detection permits for existing high-risk facilities that would be prohibited, and for new solid waste composting or resource recovery facilities.
- Investigation, inspection, and cease and desist authority to local entity who obtains reclassification.
- Prior notice to municipalities on state environmental permits.
- Technical and enforcement support provided by the state to the local entity who obtains reclassification.

Reclassification of Valuable Groundwater to GA1 Result In ...

- Active management of potential contamination sources to ensure compliance with Best Management Practices.
- No prohibitions of land uses.
- Investigation, inspection, and cease and desist authority to the local entity who obtains reclassification.
- Prior notice to municipalities on state environmental permits.
- Technical and enforcement support provided by the state to the local entity who obtains reclassification.

To address concerns about the impacts of groundwater withdrawals, the Act (along with the N.H. Safe Drinking Water Act) was amended in 1998 to give DES the authority to regulate groundwater withdrawals in excess of 57,600 gallons per 24-hour period. For more information, go to <http://des.nh.gov/organization/commissioner/pip/factsheets/dwgb/index.htm> and scroll to WD-DWGB-22-15, "Large Groundwater Withdrawal Permitting Process for Major Projects."

For More Information About The New Hampshire Groundwater Protection Act

Log on to www.gencourt.state.nh.us/rsa/html/indexes/485-C.html to read the statute, or contact the DES Source Water Protection Program, (603) 271-0688.